

REMARKS

Claims 1-6 and 8-9 are pending in the present application. Claims 2-3 and 5-6 have been canceled in this response.

Claims 1-6 and 8-9 stand rejected under 35 U.S.C. 101 on the basis that the claimed invention is directed to non-statutory subject matter. Claims 2-3 and 5-6 have now been canceled. Claims 1, 4, 8 and 9 have been amended to claim a computer readable medium. A computer readable medium was set out in original claims 16-24. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-6 and 8-9 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has been amended to no longer include “automatically verifying” and also to include “prompting a point of sale operator to manually verify.” These and other amendments to the claims are asserted as clarifying the scope of the claimed invention. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-6 and 8-9 are rejected under 35 U.S.C. §103(a) as being obvious over Mori et al. (U.S. Patent 7,107,454; hereinafter “Mori”), in view of Chasko et al. (U.S. Patent 6,738,749; hereinafter “Chasko”). Claims 2-3 and 5-6 have been canceled.

Mori discloses a system in which a user inputs identification information in a terminal, and generates identification information and bar code information about a signature program. (Mori, Title and Abstract). A receiver reads the bar code information of the user using a bar code reader. (Mori, Abstract). The bar code reader executes a signature program, generates signature information containing the identification information of the user, and requests a certification device to verify the signature information. (Mori, Abstract). As shown in Figure 1 of Mori, “signature information” is the output of a “generation unit 4” and not something obtained from the cardholder writing on a signature capture device.

Chasko discloses a method and apparatus for creating and storing secure customer receipts on portable electronic media that can be carried by a consumer. (Chasko, Title and Abstract). Accordingly, a transaction data system includes a mechanism for a merchant to write transaction data to a portable medium, where the transaction data include information that describes the purchased goods and services as well as information that identifies the merchant and the consumer. (Chasko, col. 2, lines 54-60). The sum of these elements comprises a complete record of an individual retail transaction. For each complete transaction, the transaction data may be authenticated by including a unique *signature*. (Mori, col. 2, lines 60-63). “The *signature* is generated by encrypting the various elements of transaction data from an individual retail transaction.” (Chasko, col. 2, lines 64-66; *emphasis added*). Accordingly, the term “signature” as used in Chasko is data generated by a computer through a process of encrypting a description of the goods, the identity of the merchant and the identify of the consumer. Chasko does not disclose the step of obtaining an electronic signature of a cardholder for an account number as a result of the cardholder writing a signature on an electronic signature capture device.

Applicant has also amended claim 1 to positively recite other elements that distinguish over Mori and Chasko. For example, claim 1 includes the limitation of “storing multiple signatures for the same cardholder account number within the database.” Support for this limitation is found in the specification at page 7, lines 6-21. Reconsideration and withdrawal of the rejection is respectfully requested.

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned. In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 500563 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,

/Jeffrey L. Streets, #37,453/

Jeffrey L. Streets
Attorney for Applicant
Registration No. 37,453
STREETS & STEELE
13100 Wortham Center Drive, Suite 245
Houston, Texas 77065
(832) 678-2349